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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,085	12/28/2001	Yonas D. Seme	41826888US	3973
45979 7590 04/19/2007 PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT	PAPER NUMBER
			2626	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/035,085

Applicant(s)

SEME, YONAS D.

Examiner

Jakieda R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-42 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-42 and 48-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2007 has been entered.

### ***Response to Arguments***

2. Applicant argues that Stringham neither teaches nor suggests that a translated instant message is transmitted during a session in which a translation preference is received. Applicant's arguments are moot in view of new grounds of rejections in view of Olivier.

### ***Claim Objections***

3. Claims 38 and 49 are objected to because of the following informalities:

- A period (.) is missing at the end of the sentence.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 37-42 and 48-52** are rejected under 35 U.S.C. 102(e) as being anticipated by Olivier (USPN 6,480,885).

Regarding **claims 37 and 48**, Olivier discloses a method and system for translating instant messages exchanged between a first user using a first device and a second user using a second device over a communication network, the first user having a first translation preference and the second user having a second translation preference, the method comprising:

establishing an instant messaging session between the first device and the second device (instant messaging; column 4, lines 47-63 and column 22, lines 22-31 with column 23, line 46 – column 24, line 65);

sending by the first device to the second device during the established session an indication of the first translation preference (senders profile data are included in the

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body of the message; column 13, lines 43-54 and column 17, lines 21-39 with column 23, line 46 – column 24, line 65);

receiving by the first device from the second device during the established session an indication of the second translation preference, wherein the second translation preference is different from the first translation preference (languages; column 17, lines 21-39).

receiving by the first device from the first user a first message intended for the second device, the first message composed according to the first translation preference (message; column 17, lines 21-39);

receiving a first message as input composed by the first user in the first preferred language (specifies language of choice; column 17, lines 21-39);

translating the received first message from the first translation preference to the second translation preference (language preference; column 17, lines 28-39); and

transmitting the translated message in the second translation preference to the second device as an instant message during the established session via the communication network (column 23, line 46 – column 24, line 65 with column 12, lines 25-47).

Regarding **claims 38 and 49**, Olivier discloses the method and system further comprising, storing by the first device the received indication of the second translation preference (specifies language of choice; column 17, lines 21-39).

Regarding **claims 39 and 50**, Olivier discloses the method and system wherein the translation preference is specified as a destination language (specifies language of choice; column 17, lines 21-39).

Regarding **claims 40 and 51**, Olivier discloses an instant messaging method and system wherein the translation preference is specified as a locality (location; column 5, lines 54-56 and column 14, lines 29-33).

Regarding **claims 41 and 52**, Olivier discloses the method and system wherein the translation preference is specified as a geographic setting (geography; column 5, lines 54-56 and column 8, lines 8-15 with column 11, lines 58-67 and column 14, lines 29-33 with column 15, lines 29-51).

Regarding **claim 42**, Olivier computer-readable medium instructions for performing the steps recited in claim 37 (computer communication; column 12, lines 25-47 with column 22, line 22 – column 24, line 22).

### ***Conclusion***

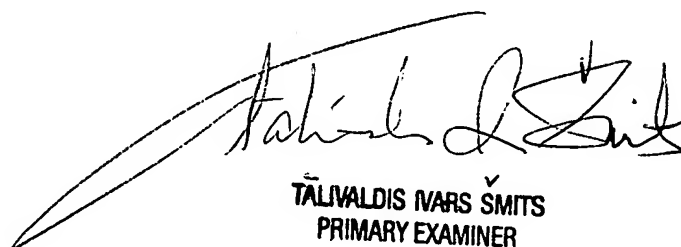
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday, Tuesday and Thursday 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ  
April 9, 2007



TĀLIVALDIS IVARS ŠMITS  
PRIMARY EXAMINER